

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG -1 AM 10: 51

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan RODRIGUEZ-Cifuentes

Defendant.

Magistrate Case No.

'08 MJ 2373

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY VNK DEPUTY

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

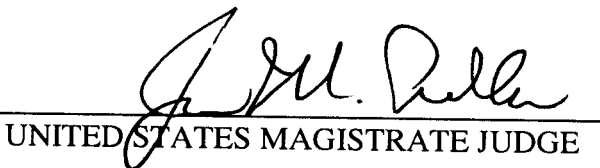
On or about **March 1, 2008**, within the Southern District of California, defendant, **Juan RODRIGUEZ-Cifuentes**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF August 2008.



UNITED STATES MAGISTRATE JUDGE

COA
7/31/08
VNA

PROBABLE CAUSE STATEMENT

On March 1, 2008, a Border Patrol Agent apprehended the defendant identified as, Juan RODRIGUEZ-Cifuentes, for Illegal Entry into the United States, near Tecate, California. He was subsequently booked into San Diego Jail, on a state parole hold, for violation of Section 3056 of the California Penal Code, "VIOLATION OF PAROLE: FELON." A Border Patrol Agent determined him to be a citizen of Mexico and placed an Immigration detainer (Form I-247) pending his release from custody.

On July 31st, 2008, the defendant was referred from state custody to the custody of United States Immigration and Customs Enforcement at San Diego, California. Immigration computer database record checks and a review of the defendant's Alien Registration File identified him as a national of Mexico having been previously deported or removed from the United States. The defendant was most recently ordered deported or removed by an Immigration Judge on or about November 21, 1996, and removed to Mexico on November 22, 1996, via the San Ysidro, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Juan RODRIGUEZ-Cifuentes, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.